

Time Off in-Lieu Policy	Policy Number: PA-602
Last Reviewed: 2020/03/11	Next Review: 2021/03/11

Purpose: Employees must receive compensation for hours worked in excess of a certain number of hours worked in a given week (40 hours in Nunavut, 44 hours in Ontario). After working more than the specified number of hours/week, the overtime compensation pay rate must be at least 1½ times the employee's regular rate of pay. Employees have the option to receive an equivalent amount of paid time off instead of overtime pay. This policy extends to employee travel time.

Policy Statement: Employees may agree **in writing** to receive paid time off work instead of overtime pay. This is called "time off in lieu." If an employee has agreed to "time off in lieu" overtime hours, they must be given 1½ hours of paid time off work for each hour of overtime worked in excess of the specified number of hours/week. Employees may also be granted time in lieu in other circumstances.

Definitions/explanations:

Provincial/Territorial Jurisdiction: An employee's provincial jurisdiction is determined by the employee's home province or territory. Lieu time will be calculated based on the employee's home address.

Lieu time: granted as leave with pay to compensate employees for working overtime. Situations of in-lieu time may include:

Standard lieu time:

- When employees are assigned or authorized to work hours outside their regular schedule they may be eligible to receive lieu time at applicable overtime rates;
- Employees working standard overtime will receive lieu time at applicable overtime rates for the time worked.

Travel Time:

- An employee will be earn lieu time at the applicable overtime rate for all time spent travelling for work, including:

- if the employee is required to transport other staff or supplies to or from the workplace or work site; and
- if the employee has a usual workplace but is required to travel to another location to perform work;
- if the employee is required to travel to different sites to carry out work functions;
- For more information related to travel time and other travel procedures please see PA-603 (Travel Policy).

Overnight work travel:**Weekend time (on travel):**

- **Active:** When an employee is assigned/pre-approved by their supervisor to work on a weekend day they are considered to be on a work assignment and are paid for all hours worked at applicable overtime rates;
 - All employees working on a weekend day due to travel away from home will receive a minimum of 2.5 hours plus applicable overtime.
- **Non-Active:** Occasionally, due to work, employees must spend a weekend day away from their home community waiting for programming or travel to resume without any assigned or pre-approved work. In recognition of this inconvenience, the employer will provide 2.5 hours of time in lieu (at applicable overtime rates) when employees spend a weekend day away from home without any assigned work.

Holiday time (on travel):

- When an employee is away from home on a public holiday due to work the employee will be paid at the appropriate public holiday rate to a minimum of 7.5 hours/day whether they are actively working or not (more if they work more than 7.5 hours on that day).

Waiting time (on travel) (outside employee's regularly scheduled hours):

- Waiting time includes time during work travel where the employee is away from home but not actively working. For example:
 - Overnighting at a hotel while waiting to resume travel;
- Waiting time is not considered overtime and is not compensated.

Training time (outside employee's regularly scheduled hours):

- Training required by law (for example, hazardous products training) constitutes hours of work.
- Training required by the employer (for example, additional instruction for a new aspect of the employee's job) constitutes hours of work.
- Training initiated on the volition of the employee or developmental voluntary training which prepares the employee for another job does not constitute hours of work.

Procedure**General**

1. The parties must enter into a written agreement that overtime shall be compensated as time off in lieu at a rate of not less than one and a half times the regular rate for each overtime hour worked in excess of 40 hours/week (Nunavut) or 44 hours/week (Ontario) and that the employee shall take the paid leave on an agreed date. Hours worked from 37.5-40 or 37.5-44 hours/week are compensated at 1:1. Lieu time calculations are based on the employee's home address.

Requesting/recording time in lieu

2. When an employee works overtime and/or accrues time in lieu, the employee must complete the time in lieu form and submit it to their supervisor for review/approval within 1 week of the hours being worked/accrued.
3. Supervisors will review time in lieu request forms, approve requests in writing and submit the request form along with a time in lieu report to the HR Manager and Finance Director.
4. The HR Manager will enter the approved amount of time in lieu on the employee's profile in Bamboo HR.

Using time in lieu (leave with pay)

5. Taking in-lieu time must be requested using the BambooHR system (as with holidays and emergency leave).
6. Time off in lieu should be requested in advance (special circumstances may be considered).

7. Supervisors will review and respond (approve or decline) requests for time off in lieu within 48 hours.
8. Paid in-lieu time off should be taken as soon as possible after being accrued (ideally within a day or two) but must be taken within three months of the week in which the overtime was earned or, if the parties agree in writing, it can be taken within 12 months.
9. If an employee's job ends before they have taken the paid time off, the employee must be paid for all unused banked time. This must be paid no later than seven days after the date the employment ended or on what would have been the employee's next payday.